

**EXHIBIT C (Part 3)**

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1 Anderson's deposition.

2 A. (Reviewing documents)

3 Q. Now, while you're looking at those  
4 documents, I will represent to you that these  
5 documents, Mr. Anderson testified in his deposition,  
6 were the documents that I mentioned earlier that he  
7 himself put together. I think his testimony was  
8 that he reviewed different policies that he knew of  
9 to create these, and then ran them by you, and then  
10 actually put them up at the facility.

11 Does looking at these documents refresh  
12 your recollection at all about any conversations you  
13 may have had or any review of these documents based  
14 on your conversations with Mr. Anderson?

15 A. I do not recall a review.

16 Q. Do you ever recall Mr. Anderson contacting  
17 you to find out whether there were policies, EEO  
18 policies, that existed that he could use at this  
19 facility?

20 A. I don't recall it, but my assistant may  
21 have taken a call of that type. That's a fairly  
22 common transaction for her, for someone to call and  
23 say, "Could you send me copies of posters." And  
24 either she would reference them to the Website, if

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1 that's available to them, or actually mail them hard  
2 copies.

3 Q. Now, would you characterize, from your  
4 understanding, WGI's EEO policies to be zero  
5 tolerance policies?

6 A. Yes.

7 Q. And when you hear the words "zero  
8 tolerance," can you tell me what, in the context of  
9 what you understand, what that means to you.

10 A. That any instance that is a violation of  
11 the policies would be subject to corrective action.

12 Q. So it doesn't in your mind necessarily mean  
13 subject to termination?

14 A. No.

15 Q. I also am going to show you a document that  
16 was marked -- you can put those aside -- as Exhibit  
17 8 in Mr. Anderson's deposition.

18 A. (Reviewing document)

19 Q. Now, are you familiar with the document  
20 that I just put in front of you as Exhibit 8?

21 A. Yes.

22 Q. Can you tell me what it is.

23 A. It is the annual reaffirmation of our Equal  
24 Employment Opportunity Policy, usually done in

1 January and February of each year.

2 Q. Do you have any information about the  
3 protocol of how this document is supposed to be  
4 reissued, in the sense of is it in a check-stuffer  
5 type situation or is it given out at a safety  
6 meeting? How is it normally distributed to  
7 employees?

8 A. Typically a check stuffer.

9 Q. And is this document the same document  
10 every year, or is it revised every year?

11 A. Ordinarily it's the same document, except  
12 as rules or laws might adjust it.

13 Q. Are you responsible for making any  
14 revisions to this particular document?

15 A. Generally, yes.

16 Q. And do you have or have you had any  
17 conversations with Stephen Hanks about this  
18 particular document prior to his signature of the  
19 document?

20 A. No.

21 Q. Does he sign it every year?

22 A. The person in charge of his electronic  
23 signature has authority to apply it. That is  
24 probably -- exactly what happens, whether there is

1 ink on paper, I'm not sure, but eventually it  
2 becomes electronic, because it's posted on our  
3 Website.

4 Q. Do you have any personal knowledge of what  
5 Mr. Hanks' feeling is about the importance of EEO  
6 issues at WGI?

7 A. I think he's intense about it.

8 Q. How do you know that?

9 A. Various meetings I've attended.

10 Q. What are some of the things that he has  
11 said or done that make you believe that he's intense  
12 about it?

13 A. All right. People are our most important  
14 resource. We have, I think, a vast network of  
15 support for employees in our workplace, and intend  
16 to respect every individual in the workplace,  
17 spending 50-plus million dollars a year on employee  
18 training, for example, to advance their capacities  
19 and abilities and value to the company, et cetera.

20 And of course those kinds of budgetary  
21 concerns definitely have to go to the top. I have  
22 found him to, if you will, walk the talk of  
23 endorsing an expected fairness throughout the  
24 company for anyone.

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1 Q. Are you aware of whether or not Mr. Hanks  
2 is aware of this lawsuit? Do you know?

3 A. The previous document that you showed me  
4 indicated that at least on September 11th of 2002 it  
5 went into Larry Myers' report to him regarding --

6 Q. Charges?

7 A. -- an immediate status of it, yes.

8 Q. Well, I think the date puts it in the  
9 context of charges of discrimination, and I'm  
10 actually talking about the lawsuit that the EEOC has  
11 brought against the company. Does that change your  
12 answer?

13 A. No. Probably through the same vehicle,  
14 that he would be apprised of it.

15 Q. And has he ever communicated with you about  
16 his interest in this lawsuit at all?

17 A. No.

18 Q. I'm going to show you Exhibit 10 in  
19 Warren's deposition. You can put that aside.

20 Exhibit 10, the subject reads "Tool Box  
21 Meeting on Harassment, Intimidation and Coercion."  
22 Have you seen this document before? Not necessarily  
23 this one with the signatures, but the actual text of  
24 the document that looks like it was generated by

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1 WGI?

2 A. I believe I have.

3 Q. Did you have any input into the actual  
4 drafting of this particular document?

5 A. I do not recall having done that, no.

6 Q. Now, what I showed you previously, the  
7 weekly report that Larry Myers sent to the Office of  
8 the Chairman, you described the sensitivity training  
9 as being the tool box training. Fair to say that  
10 this was the actual tool box training that you were  
11 referring to that was mentioned in that weekly  
12 update?

13 A. I believe this represents part of that  
14 intent, yes.

15 Q. And was the -- my understanding from the  
16 document that was sent by Mr. Myers to the Office of  
17 the Chairman was that the issue -- the main issue,  
18 as he described it, was racial graffiti.

19 Is there any reason why you think that  
20 racial graffiti specifically was not mentioned as a  
21 situation that was occurring at the time at the  
22 facility for which reason this tool box meeting was  
23 held?

24 MR. PATERNITI: Objection. Go ahead.

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1 Q. I can restate that for you.

2 A. Please.

3 Q. Given the fact that racial graffiti was, as  
4 Mr. Myers described it in his weekly report to the  
5 Office of the Chairman, the main issue regarding the  
6 charges that were raised against the company at the  
7 time, can you -- do you have any response as to why  
8 this particular tool box meeting narrative that's  
9 here did not actually specifically state that racial  
10 graffiti was found on the facility or at the  
11 facility? In other words, why wasn't it  
12 specifically discussed in this tool box meeting, if  
13 you know?

14 MR. PATERNITI: Objection. Go ahead.

15 A. I do not know what the content of the  
16 discussion was. I can only obviously speak from  
17 this, where graffiti appears in the list. I have  
18 some information that indicates that the topic was  
19 covered more thoroughly during those meetings to the  
20 purpose -- in the discussion than is represented  
21 simply in this text.

22 Q. What information is that that you have?

23 A. I thought I saw a description of that  
24 somewhere.

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1 Q. Of the conversation?

2 A. Of some of the content --

3 Q. Okay.

4 A. -- that was expounded upon.

5 Q. Like a script or something you're thinking  
6 about?

7 A. More like recounting what was said, notes.

8 Q. By who? Someone to you?

9 A. No. A document -- I was not involved in  
10 the event nor in the creation of the document. But  
11 aftermath information indicated that the matter had  
12 been covered with more emphasis and detail in these  
13 discussion than would be represented by the text  
14 into these documents.

15 Q. I see. But you don't recall what that  
16 document was?

17 A. No.

18 Q. If it comes to you, please let me know.

19 MS. PALACIOS-BALDWIN: Can we take five  
20 minutes.

21 (Discussion off the record)

22 (Recess)

23 BY MS. PALACIOS-BALDWIN:

24 Q. Mr. McDaniel, we're back on the record, and

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1 example -- what, if any, type of corrective action,  
2 in light of your opinion that it would be a  
3 violation of the zero tolerance policy, in your  
4 opinion should have been taken relative to that  
5 display of the Confederate flag?

6 A. To request the individual to cease and  
7 desist in such acts, and failure to do so would  
8 result in punitive action up to and including  
9 termination.

10 Q. Would you counsel the person on why the  
11 Confederate flag would be inappropriate to display  
12 at the work site?

13 A. Yes.

14 Q. What would you say?

15 A. That it has a history associated with it  
16 that is indicative of discriminatory practices, and  
17 that it is inciteful at times for certain  
18 individuals and accentuates a racial connotation to  
19 it, and I would ask them to stop displaying it.

20 Q. I assume you would -- is it fair to say you  
21 would also tell the person that it is inappropriate  
22 for display at the work site?

23 A. Yes.

24 MR. BENNETT: I don't have anything

1 just reviewed, do you have any knowledge of how long  
2 that graffiti was up on the walls at the work site?

3 A. No.

4 MR. PATERNITI: Okay. That's all I have.

5 MS. PALACIOS-BALDWIN: Thanks.

6 MR. BENNETT: Do you want to put on the  
7 record, since we talked about it off the record --

8 MR. PATERNITI: If you don't trust me, I'm  
9 an honest guy. I'll produce him. If I'm wrong, he  
10 is coming back.

11 MS. PALACIOS-BALDWIN: His objection was  
12 pretty much stated as we summarized previously, that  
13 you're taking your position, and you will bring him  
14 back if it's necessary.

15 MR. PATERNITI: I will agree to bring him  
16 back if necessary, or somehow produce him, if we can  
17 do it by video.

18 (Whereupon the deposition was  
19 adjourned at 5:55 p.m.)

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1 further.

2 MR. PATERNITI: I just have some questions  
3 about the photos. I don't need to see them.

4 CROSS EXAMINATION

5 BY MR. PATERNITI:

6 Q. The photographs that you reviewed here,  
7 just a couple of minutes ago, do you have any  
8 knowledge, Mr. McDaniel, of when the photographs  
9 were taken?

10 A. Not exactly, no.

11 Q. Do you have any general knowledge of when  
12 they were taken?

13 A. I believe, in my conversations with Warren  
14 following the visits, one or more visits of EEOC to  
15 the site, that he said they took pictures.

16 Q. The EEOC took pictures?

17 A. Yes.

18 Q. Do you know -- of the pictures you just  
19 reviewed, do you have any idea whether those are the  
20 pictures the EEOC took or not?

21 A. I do not know.

22 Q. And were you ever -- did you ever do any  
23 investigation in 2000 -- well, strike that.

24 The graffiti in the photographs that you

# 1 CERTIFICATE

2 I, D. MICHAEL McDANIEL, do hereby certify that I  
3 have read the foregoing transcript of my testimony,  
4 and further certify under the pains and penalties of  
5 perjury that said transcript (with/without)  
6 suggested corrections is a true and accurate record  
7 of said testimony.

8 Dated at \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_,  
9 2006.

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1 COMMONWEALTH OF MASSACHUSETTS)  
2 SUFFOLK, SS. )

3 I, Carol H. Kusinitz, Registered Professional  
4 Reporter and Notary Public in and for the  
5 Commonwealth of Massachusetts, hereby certify that  
6 there came before me on the 1st day of December,  
7 2006, at 12:41 p.m., the person hereinbefore named,  
8 who was by me duly sworn to testify to the truth and  
9 nothing but the truth of his knowledge touching and  
10 concerning the matters in controversy in this cause;  
11 that he was thereupon examined upon his oath, and  
12 his examination reduced to typewriting under my  
13 direction; and that the deposition is a true record  
14 of the testimony given by the witness.

15 I further certify that I am neither attorney or  
16 counsel for, nor related to or employed by, any  
17 attorney or counsel employed by the parties hereto  
18 or financially interested in the action.

19 In witness whereof, I have hereunto set my hand  
20 and affixed my notarial seal this \_\_\_\_ day of  
21 December, 2006.

22

23

\_\_\_\_\_  
Notary Public

24

My commission expires 6/7/13